

REMARKS

Claims 1-8 and 11 are pending in the present application. Claims 3 and 4 are rejected under 35 U.S.C. § 101, first paragraph. Claims 1-2, 5, 7-8 and 11 are rejected under U.S.C. § 112 first paragraph. Claim 6 is objected to as being dependent upon a rejected claim. Applicants have amended claims 1-5, and 11 and have canceled claim 6. No new matter has been inserted through these amendments and all of the amendments are fully supported by the specification as further discussed in detail below.

Favorable consideration of amendments is requested

Rejection of Claims 3 and 4, under 35 U.S.C. § 101

Claims 3 and 4 are rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. The Examiner has indicated that if the compounds of claims 3 and 4 are not products of nature and isolated in purified form then it should be indicated in the claims. The term "purified" was added before the term "compound" in claims 3 and 4. Such an amendment is supported on page 11, line 4 of the specification. Based upon the amendments to claims 3 and 4, Applicants respectfully request the withdrawal of the rejection to claims 3 and 4 as being drawn to nonstatutory subject matter under 35 U.S.C. § 101.

Rejection of Claims 1-2, 5, 7-8 and 11 under 35 U.S.C. § 112 first paragraph

Claims 1-2, 5 and 7-8 and 11 are rejected under 35 U.S.C. § 112, first paragraph for lack of enablement because the specification fails to provide enablement for compounds other than wherein R₁ and R₂ form a dioxolane ring. The Examiner opines, "The cleavage of the dioxolane ring or to expand the ring size of the same to form the claimed compounds does require additional research and experimentation for one skilled in the art. A textbook teaching is deemed insufficient."

Applicants still disagree with the assessment, but in order to move the prosecution along have amended claim 1-2, 5 and 11 and have canceled claim 6; but have included the matter of claim 6 into claim 5. Accordingly, claim 1 was amended to correspond to specific disclosures found in the specification. Support for said amendments can be found on page 13, lines 12-18 of the specification. Specifically, R₃ bonded to the ring oxygen was restricted to hydrogen, and R₁ and R₂ were restricted to form a methylene dioxo (-O-CH₂-O). R₄ remains unchanged as it is in agreement with the disclosure found in the specification. Claim 2, dependent upon claim 1, was amended to incorporate the new limitations of claim 1.

Claim 5 was amended to depend from claim 4 and the term "derivatizing" was deleted, and the phrase "each physiological tolerated salt" was added in the preamble. Such amendments were made to place the application in condition for allowance.

Claims 7-8 are dependent upon amended claim 1 and therefore incorporate all of the limitations of claim 1.

In order to place the application in better condition for allowance the term "inflammatory symptoms" found in claim 11 was replaced with the term "inflammation".

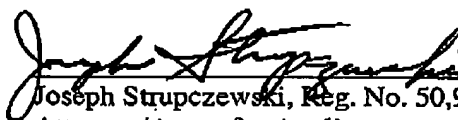
Accordingly, Applicants respectfully submit that claims 1-2, 5, 7-8 and 11 satisfy the requirements under 35 U.S.C. § 112 first paragraph. Withdrawal of this rejection is respectfully requested.

Conclusion

For all the reasons presented above Applicants believe claims 1-5, 7-8 and 11 are now in condition for allowance. Action to that end is requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicant believes that there are no fees due for this Rule 116 Amendment. However, if the Commissioner deems that fees are due, please charge these fees to Deposit Account No. 18-1982 for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,


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